

DECLARATION AND POWER OF ATTORNEY

As the below named inventors, we hereby declare that:

Our residence and post office addresses and our citizenships are as stated below next to our names.

We believe that we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled **RADIATION SENSITIVE LIPOSOMES**, for which an application for a United States Letters Patent is being submitted herewith.

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

We acknowledge the duty to disclose information which is material to the examination of this application and to patentability as defined in Title 37, Code of Federal Regulations §1.56.

We hereby claim foreign priority benefits under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed: None.

We hereby claim priority benefits under Title 35, United States Code §119(e) of:

Provisional Application Serial No. 60/168,1000, filed November 30, 1999

We hereby claim the benefit under Title 35, United States Code §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations §1.56, which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

We hereby declare under penalty of perjury under the laws of the United States of America that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

We hereby appoint the following attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith:

WILLIAM B. ANDERSON, Reg. No. 41,585  
VICTORIA L. BOYD, Reg. No. 43,510  
Y. PING CHOW, Reg. No. 30,740  
JAMES ALLAN FOX, Reg. No. 38,455  
DEREK P. FREYBERG, Reg. No. 29,250  
WALTER KURZ, Reg. No. 37,373  
EDWARD J. LYNCH, Reg. No. 24,422  
PRISCILLA MARK, Reg. No. 41,970  
WILLIAM SCHMONSEES, Reg. No. 31,796  
SOODABEH TRONSON, Reg. No. 41,354  
HERWIG von MORZE, Reg. No. 29,484

of the firm

Heller Ehrman White & McAuliffe LLP  
525 University Avenue, Suite 1100  
Palo Alto, CA 94301-1900  
(650) 324-7000

Please direct all communications in this matter to:

William Schmonsees  
Heller Ehrman White & McAuliffe LLP  
525 University Avenue, Suite 1100  
Palo Alto, CA 94301-1900  
Direct Dial: (650) 324-7041

Full name of First and Joint Inventor: David F. O'Brien

Executed on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

Inventor's Signature: \_\_\_\_\_

Residence: 5620 North Maria Drive, Tucson, Arizona 85704

Post Office Address: (same as above)

Citizenship: United States of America

Full name of Second and Joint Inventor: Kathy A. McGovern

Executed on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

Inventor's Signature: \_\_\_\_\_

Residence: 7294 East Caminiso Contento Drive, Tucson, Arizona 85710

Post Office Address: (same as above)

Citizenship: United States of America

Full name of Third and Joint Inventor: Bruce Bondurant  
Executed on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

Inventor's Signature: \_\_\_\_\_  
Residence: 1301 North Fifth Avenue, Tucson, Arizona 85705  
Post Office Address: (same as above)  
Citizenship: United States of America

Full name of Fourth and Joint Inventor: Robert Sutherland  
Executed on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

Inventor's Signature: \_\_\_\_\_  
Residence: 1270 Trinity Drive, Menlo Park, CA 94025  
Post Office Address: (same as above)  
Citizenship: United States of America

266209 v01.PA (5P#P01!.DOC)  
11/30/00 2:25 PM (15907.0022)